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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

NAUTILUS INSURANCE COMPANY,

Plaintiff,

vs.

ACCESS MEDICAL, LLC, ROBERT CLARK
WOOD, II; FLOURNOY MANAGEMENT,
LLC; does 1-10, inclusive,

Defendants.

Case No.: 2:15-cv-00321-JAD-BNW

**STIPULATION AND ORDER FOR
EXTENSION OF DEADLINE TO FILE
NEW MOTION REGARDING THE
REASONABLENESS OF NAUTILUS'S
REIMBURSABLE DEFENSE
EXPENDITURES**

[SECOND REQUEST] ECF No. 200

Plaintiff Nautilus Insurance Company ("Nautilus"), by and through its counsel, Selman Breitman, LLP and Armstrong Teasdale LLP, and Defendants Access Medical, LLC, and Robert "Sonny" Wood, II (collectively, "Defendants"), by and through their counsel, the Schnitzer Law Firm, hereby stipulate to extend Nautilus's deadline from December 23, 2022, to January 6, 2023, to file a new motion as contemplated in the Court's Order Granting in Part and Denying in Part Nautilus's Motion for Summary Judgment (ECF No. 194) ("Order"). This is the second request to extend this deadline.

1 In the Order, the Court held that it was unable to make a determination whether Nautilus' pre-
2 complaint expenditures on the insureds' behalf were reasonable. As a result, it denied that part of
3 Nautilus' motion for summary judgment requesting a ruling that such expenditures were reasonable,
4 without prejudice. However, the Court allowed Nautilus 14 days from the date of the entry of the Order
5 to file a new motion on the narrow issue of whether the amount of attorney fees expended by Nautilus
6 in the underlying *Switzer* action was reasonable under local practices and reasonable under the factors
7 set forth in *Brunzell v. Golden Gate Nat. Bank*, 455 P.2d 31 (Nev. 1969). Given that the Order was
8 entered on November 10, 2022, the deadline for filing the new motion was November 24, 2022. The
9 parties thereafter agreed to continue the deadline to December 23, 2022, which this Court approved.
10 (ECF No. 197.) The parties have now agreed for Nautilus to have an additional two weeks, or until
11 January 6, 2023, to file the new motion.

12 Good cause exists to extend Nautilus' deadline to file a new motion. As set forth in the first
13 stipulation, the attorney fee analysis requested requires Nautilus to analyze the following factors set
14 forth in *Brunzell v. Golden Gate Nat. Bank*, 455 P.2d 31 (Nev. 1969):

15 (1) the qualities of the advocate: his ability, his training, education, experience,
16 professional standing and skill; (2) the character of the work to be done: its difficulty,
17 its intricacy, its importance, time and skill required, the responsibility imposed and the
18 prominence and character of the parties where they affect the importance of the
19 litigation; (3) the work actually performed by the lawyer: the skill, time and attention
given to the work; [and] (4) the result: whether the attorney was successful and what
benefits were derived.

20 Although Nautilus has been diligent to date in preparing the renewed motion seeking reimbursement,
21 which has included requesting and obtaining declarations from all counsel billing the defense fees paid
22 by Nautilus to meet the analysis under *Brunzell* and Local Rules, Nautilus requires additional time to
23 complete this process as it continues to work with former defense counsel on these issues. Nautilus
24 believes that an additional two weeks will be sufficient to complete this process. Defendants do not
25 object to this two week extension. This request is made in good faith and is not intended to
26 unreasonably delay this matter.

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Based on the foregoing, the parties respectfully request that this Court extend Nautilus' deadline to file a new motion on the reasonableness of its attorney fee request from December 23, 2022, to January 6, 2023.

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THE SCHNITZER LAW FIRM

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ORDER

IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE
12/29/22 nunc pro tunc to 12/23/22